

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

EEOC,

Plaintiff

v.

PHASE 2 INVESTMENTS INC., *et al.*,

Defendants

Civil Action No. JKB-17-2463

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
MISTER CAR WASH'S MOTION TO FILE UNDER SEAL**

Pursuant to Local Civil Rule 105.11 (D. Md.), Defendant CWP West Corp. t/a Mister Car Wash ("Mister Car Wash") respectfully requests that the court permit it to file under seal a portion of Laurence J. Minich's Supplemental Declaration and Exhibit A thereto because those documents contain confidential financial information.

On December 7, 2017 the parties filed a Joint Motion for Protective Order Providing for Prospective Filing Under Seal (ECF No. 26) which specifically addresses the confidential financial information in Mr. Minich's supplemental declaration. The court has not ruled on the Joint Motion as yet because the notice period has not expired. Before a court may seal any court documents, it must: "(1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object; (2) consider less drastic alternatives to sealing the documents; and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives." *Ashcraft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000). The filing of this motion satisfies the requirements that the public be provided notice of the request to seal and that interested parties be allowed a reasonable opportunity to object to the request.

The sealing of a portion of Mr. Minich's supplemental declaration and Exhibit A thereto is the most appropriate method to ensure the confidentiality of the financial information regarding the final amount Mister Car Wash paid in the asset purchase transaction. Specifically, this confidential financial information is not generally known to non-Mister Car Wash employees and Mister Car Wash's competitors. Mister Car Wash has a vital professional interest in protecting the confidentiality of this information, and disclosure of the information would not result in an enhanced public understanding of any issues of public concern; to the contrary, the disclosure of this information would serve to violate Mister Car Wash's professional interest.

For the foregoing reasons, Mister Car Wash respectfully requests that the court grant its motion and order that the above-referenced documents be filed under seal.

December 20, 2017

Respectfully submitted,

/s/ Kevin M. Kraham

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